

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Darnell Chambers, #Y-304808,)	
)	C/A No. 3:06-2008-MBS
Plaintiff,)	
)	
vs.)	
)	OPINION AND ORDER
Lt. Jonathen Goodman, Lieutenant at)	
Lee Correctional Institution; and)	
Chris Lee McCormick, Correctional)	
Officer at Lee Correctional Institution,)	
)	
Defendants.)	
)	

Plaintiff Darnell Chambers is an inmate in custody of the South Carolina Department of Corrections who currently is incarcerated at Lee Correctional Institution in Bishopville, South Carolina. On July 13, 2006, Plaintiff, proceeding pro se, filed a complaint alleging that he had been subjected to excessive force and denied proper medical care. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, asserting violation of his rights under the Eighth Amendment.

This matter is before the court on motion for summary judgment filed by Defendants on November 11, 2006. On November 28, 2006, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff failed to respond to the motion for summary judgment. On January 12, 2007, an order was issued directing Plaintiff to notify the court as to whether he wished to continue to prosecute the within action. Plaintiff filed no response to the January 12, 2007 order.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On February 1, 2007, the Magistrate Judge issued a Report and Recommendation in which he recommended that the

complaint be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and/or comply with orders of the court. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the complaint is dismissed, with prejudice, pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

March 1, 2007

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.